

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, et al.,
individually and on behalf
of others similarly situated, No.

Plaintiffs, 3:18-cv-01477-JR

v.

NIKE INC., an Oregon
Corporation,

Defendant.

REMOTE 30(b)(6) VIDEOCONFERENCE DEPOSITION OF
SHINE THOMAS

Taken in behalf of Plaintiffs

March 26, 2021

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1 Q. Do you know about or what the manager playbook
2 is?

3 A. I've heard that title. I don't know all the
4 contents of the manager playbook.

5 Q. Sorry. That noise is my pouring. I feel like I
6 haven't been hydrating.

7 So do you see the first bullet point under
8 "Manager Activities"?

9 A. I do.

10 Q. And it says, "Partner with human resource team
11 to identify position needs, determine fill
12 strategy and answer any questions." Do you see
13 that?

14 A. I do.

15 Q. What does that mean?

16 A. I believe what that means is that the hiring
17 manager should partner with their HR manager
18 with regards to hiring.

19 Q. So it's, when it's referring to HR, it's
20 referring to HR business facing, not necessarily
21 talent acquisition?

22 A. Correct. Correct.

23 Q. What does "fill strategy" mean?

24 A. "Fill strategy" means should the role be posted
25 internally, should the role be posted internally

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1 or and externally or should the hiring manager
2 promote someone into a position.

3 Q. And what are Nike's policies, guidelines or
4 other documents describing how fill strategy is
5 addressed?

6 A. Every situation, every position is unique. So
7 the guideline is updated in this document. The
8 hiring manager will partner with their HR
9 manager if needed. I would say that's not
10 always a requirement. The hiring manager may
11 know that they would like to open or post a role
12 internally or externally. If needed, they can
13 consult with their HR manager. The hiring
14 manager decides when they have a vacancy, what
15 that approach will be.

16 Q. How do you know that?

17 A. That is our guideline.

18 Q. Where is that guideline?

19 A. It could be in any of the various documents that
20 you have shown me. I don't know where it is
21 written specifically.

22 Q. Do you know whether or not it's written in any
23 document?

24 A. I don't know specifically if that is written in
25 any document. I do think that is a typical

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1 you been involved in decisions concerning
2 whether to do, fill a job competitively or
3 noncompetitively in meeting the fill strategy?

4 A. The fill strategy decision is made by the hiring
5 manager. Every single situation is unique and
6 niche. So there may have been situations where
7 the hiring manager may wish to understand
8 various topics such as the candidate pool.
9 However, every single situation, every single
10 position at Nike is unique when that vacancy
11 opens up.

12 Q. Have you, Shine Thomas, been involved in any
13 determinations regarding fill strategy, whether
14 a position will be filled competitively or
15 noncompetitively?

16 A. Talent acquisition is involved when we're
17 informed that a position is to be filled
18 competitively. That is when talent acquisition
19 enters the process.

20 Q. So is it accurate to state that you, Shine
21 Thomas, has not been involved in any
22 determinations regarding fill strategy and
23 whether or not to fill it competitively or
24 noncompetitively?

25 A. I would say that I'm not involved in the

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1 recruiter.

2 Q. Are there any trainings for talent acquisition
3 concerning how to use Taleo?

4 A. There are trainings on how to use Taleo.

5 Q. Who gives those trainings?

6 A. That is not consistent. Who gives the training
7 is not consistent. Sometimes it is the manager
8 of the recruiter. Sometimes it is through an
9 on-boarding training. It varies.

10 Q. So there's, there are on-boarding trainings for
11 talent acquisition new hires?

12 A. We have some on-boarding training for new hires
13 now.

14 Q. Has Nike been collecting compensation
15 expectations since 2015 or have a guideline or
16 policy regarding the collection of compensation
17 expectation since 2015?

18 A. We don't specifically -- I would like to define
19 what you mean by "collecting."

20 Q. Ask for compensation expectations.

21 A. I would say that is one of our guidelines for
22 our recruiters, to ask for compensation
23 expectations as a data point.

24 Q. Has that been a guideline since 2015 to the
25 present?

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1 A. It is our guideline for recruiters to ask the
2 compensation expectations.

3 Q. And has that guideline been in existence since
4 at least 2015? Is that accurate?

5 A. I would say so. I would say that is a way of
6 working in recruiting.

7 Q. And that applies to new hires at Nike World
8 Headquarters in bands for positions in bands L
9 through S?

10 A. Correct.

11 Q. Then we get to phase five, "Make an Offer."

12 A. Okay.

13 Q. Do you see the, under "Talent Acquisition," the
14 second bullet point says, "Review compensation
15 information with hiring manager and conduct any
16 necessary pre assessment"?

17 Do you see that?

18 A. I do.

19 Q. What are the pre assessments?

20 A. That could mean a variety of things. I would, I
21 could not answer that conclusively, what that
22 means. Just give me one minute. It's such a
23 broad term. It does not have a specific
24 definition that I could say what does a pre
25 assessment mean.

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Pedersen Decl. Exhibit J, Page 6 of 15

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1 the same work at the same level and experience
2 are offered equitable compensation."

3 Do you see that?

4 A. I do.

5 Q. So Nike decided to no longer ask candidates
6 about their compensation history because it
7 supports diversity inclusion and equitable
8 compensation; is that correct?

9 A. I believe the law also changed around legally
10 asking candidates for their compensation history
11 around the same time. So I think it was a
12 combination of both.

13 Q. So would your answer to my question be yes, but
14 it was also about the change in the law?

15 A. I would say yes. I mean, it's an evolution of
16 that policy.

17 Q. The main purpose of this e-mail is to inform
18 talent acquisition employees that Nike would,
19 quote, no longer ask candidates about their
20 compensation history; correct?

21 A. Just reviewing it. Looks like it. Yes.

22 Q. And do you see the subject of the e-mail is
23 "Commitment to pay equity"?

24 A. I see that.

25 Q. So the intention of this policy change of no

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1 Q. Under that it says, "ask candidates or their
2 employers questions about their compensation
3 history." Is that one of the policy changes?

4 A. That would be a policy change.

5 Q. And it says, "ask their employers." How did
6 Nike previously ask their employers about their
7 compensation history?

8 A. I have never asked an employer about someone's
9 previous compensation history. So I'm not
10 actually sure why it says that. It's not a
11 standard part of our recruiting process. We
12 would ask, ~~a follow on~~^{before the} change, we would ask ~~a~~^{the}
13 compensation history of a candidate. I can't
14 think of a single scenario where the question
15 went to their previous employer because of
16 confidentiality. And currently we ask the
17 candidate expectations, but we also do not
18 contact the candidate's previous employer around
19 compensation.

20 Q. You were saying that you, in your role as a
21 recruiter, did not yourself ask employers those
22 questions. Is that what you're saying or are
23 you speaking for all of Nike?

24 A. I would say our guideline is to only ask the
25 candidate about their compensation and that is a

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1 Nike guideline.

2 Q. And it also says under "Nike employees may no
3 longer," it says, "Record salary history
4 information in the ATS/CRM." So this was
5 telling -- Well, strike that. Is that a policy
6 change, too?

7 A. That would, recording salary history, that would
8 be a ~~salary~~^{policy} change because the law changed.

9 Q. And ATS refers to Taleo?

10 A. Correct.

11 Q. CRM refers to, does that refer to Avature?

12 A. Correct.

13 Q. Did Nike maintain the salary history information
14 in the ATS, I mean, has Nike maintained that
15 data to the present?

16 A. Can you clarify what you mean by that question?

17 Q. Does Taleo currently have information concerning
18 salary history of candidates, external
19 candidates for positions at Nike World
20 Headquarters bands L through S?

21 A. It should not. Taleo is not used for that and
22 we don't, since the law changed, we don't record
23 compensation. So I don't -- I would be -- Taleo
24 is not used to house that information. Whether
25 it has or not, I don't know.

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1 course, we look at their expectations. I'm
2 looking at this document. Sorry.

3 Q. Sure.

4 A. I think this is a, this is a general statement
5 as a part of a PowerPoint deck, may have been a
6 talking point.

7 Q. Would you agree that that statement's accurate
8 if it's dated prior to October 2017, "We often
9 focused on a new hire's prior salary and/or the
10 size of the increase the new hire would
11 receive"?

12 A. I would say that's inaccurate. I would say that
13 prior salary was a data point that we looked at,
14 but it was always, our guideline has always been
15 that is a data point. The position and the
16 range is also a data point. Every single offer
17 is unique and every single offer has different
18 nuances associated with the candidate and their
19 experiences and qualifications. So I would say
20 that that is what, your statement is not
21 correct.

22 Q. I believe you said that external candidate's
23 prior salary was always within the guidelines.
24 Is that what you said?

25 MS. DAVIS: Objection; vague.

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1 THE WITNESS: I don't think I said that. I
2 don't know if Aleshia can restate what I said.

3 MR. BYRON GOLDSTEIN: Aleshia, can you read
4 back the last answer from Shine, please.

5 (Record read as follows:

6 "A I would say that's inaccurate. I
7 would say that prior salary was a data point
8 that we looked at, but it was always, our
9 guideline has always been that is a data
10 point. The position and the range is also a
11 data point. Every single offer is unique
12 and every single offer has different nuances
13 associated with the candidate and their
14 experiences and qualifications. So I would
15 say that that is what, your statement is not
16 correct.)

17 Q. BY MR. BYRON GOLDSTEIN: So can you point to any
18 policies, guidelines or other documents that
19 would show that new hire's prior salary was a
20 data point and not, as this sentence says, often
21 focused on?

22 A. There isn't a guideline I can point to. I can
23 point to my experience as a recruiter at Nike.
24 It is absolutely one of the data points in
25 association with qualifications, experience,

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1 skill sets, capabilities.

2 Q. Okay. I'm introducing what's been previously
3 marked as Exhibit 509. Bates numbers
4 NIKE_00001996 and this is Nike's FY '16/'17
5 sustainable business report. Let me know when
6 you have it up.

7 A. This is a large document as well. So it will
8 take some time to download.

9 It's about halfway there, just so you know
10 timing.

11 Q. Thanks for the update. I'm sure you could use
12 the break from me talking anyways.

13 A. I have the document open now.

14 Q. Just a couple of quick questions. Can you turn
15 to, so it's page 57 of the document. On the
16 page it says page 56 and the Bates number is
17 NIKE_00002052.

18 A. Okay. Okay. Got it.

19 Q. In the lower right-hand column, do you see where
20 it says "FY '18/'19 dedicated talent sourcing?"

21 A. I do.

22 Q. And do you see that it states, "We will invest
23 in a dedicated diversity sourcing team to be
24 immersed in the marketplace, increase visibility
25 and accountability to ensure slates of diverse

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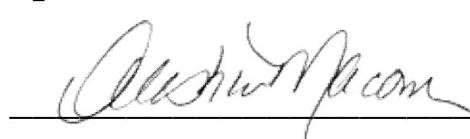
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1 C E R T I F I C A T E
2

3 I, Aleshia K. Macom, Oregon CSR No. 94-0296,
4 Washington CCR No. 2095, California CSR
5 No. 7955, RMR, CRR, RPR, do hereby certify that
6 SHINE THOMAS remotely appeared before me at the
7 time and place mentioned in the caption herein;
8 that the witness was by me first duly sworn on
9 oath, and examined upon oral interrogatories
10 propounded by counsel; that said examination,
11 together with the testimony of said witness, was
12 taken down by me in stenotype and thereafter
13 reduced to typewriting; and that the foregoing
14 transcript, pages 1 to 270, both inclusive,
15 constitutes a full, true and accurate record of
16 said examination of and testimony given by said
17 witness, and of all other proceedings had during
18 the taking of said deposition, and of the whole
19 thereof, to the best of my ability.

20 Witness my hand at Portland, Oregon this
21 8th day of April, 2021.

22 
23



Aleshia K. Macom

24 OR CSR No. 94-0296, Expires 9-30-2023
25 WA CCR No. 2095, Expires 7-7-2021
CA CSR No. 7955, Expires 7-7-2021

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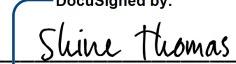
Shine Thomas Deposition Errata

Page: Line	Reads	Should Read	Reason
25:6-8	"a requisition was created and open to hire against, a recruiter would be managing that requisition."	"a requisition was created and open to hire against, a recruiter would be managing the administrative process of that requisition."	To clarify the record as reflected in other testimony
29:4	"involves the hiring and talent acquisition."	"involves the hiring manager and talent acquisition."	To correct a transcription error
50:6-7	"I would say that is a fair assessment."	"I would say that is a fair assessment but Talent Acquisition does not approve whether a candidate is hired or not."	To clarify the record as reflected in other testimony
67:11	"might take someone in a specific position."	"might place someone in a specific position."	To correct a transcription error
85:6	"opinion, externally or internally."	"opinion, externally and internally."	To correct a transcription error
85:15	"to post it internally or externally."	"to post it internally and externally."	To correct a transcription error
121:6-7	"I cannot, but I will reiterate this is not a rule that recruiters have to follow."	"I cannot, other than the New Hire Approval Matrix (Exhibit 672), but I will reiterate this is not a rule that recruiters have to follow."	To conform to the facts
123:6	"I cannot point to documents."	"I cannot point to documents other than the New Hire Approval Matrix (Exhibit 672)."	To conform to the facts
132:15	"Correct."	"I assume so, but as I said many times, non-competitive promotions are not my area of expertise."	To clarify the record as reflected in other testimony
171:5-6	"one of multiple data points that we would look at."	"one of multiple data points that we could look at."	To correct a transcription error
180:11-19	[This question is recorded in the form of an answer.]		To correct a transcription error
182:21-23	"I don't know outside of not competitive hiring who uses this tool and for what."	"I don't know outside of competitive hiring who uses this tool and for what."	To correct a transcription error
185:11	"It's not a lineal process"	"It's not a linear process"	To correct a transcription error
187:17	"I did not."	"I did not look at specific offers. I know how offers are made."	To conform to the facts

195:12-13	"There are no written documents that I can think of."	"There are no written documents that I can think of other than the New Hire Approval Matrix."	To conform to the facts
197:16	"It's one of the data points that we look at."	"Equity walkaway is one of the data points that we look at."	To clarify the record as reflected in other testimony
215:11-13	"We would ask, a follow-on change, we would ask a compensation history of a candidate."	"We would ask, before the change, we would ask the compensation history of a candidate."	To correct a transcription error
216:7-8	"That would, recording salary history, that would be a salary change because the law changed."	"That would, recording salary history, that would be a policy change because the law changed."	To correct a transcription error
251:6	"screen to see we can hire the candidate."	"screen to see if we can hire the candidate."	To correct a transcription error

I attest that the above-referenced changes are true and correct.

Date: May 21, 2021

DocuSigned by:

Shine Thomas
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